

JUN 30 2005

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, totaling 18 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 703-872-9306 (Central number) on the below date:

Date: June 30, 2005 Name: David W. Okey Signature: *David W. Okey*

**BRINKS  
HOFER  
GILSON  
& LIONE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appl. of: Foster et al.

Appln. No.: 10/617,580

Filed: July 11, 2003

For: FLEXIBLE CANNULA

Examiner: Charles H. Sam  
Art Unit: 3731

Attorney Docket No: 10922/51

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

**Attached is/are:**

Petition and Fee for Extension of Time; Response to Office Action; and Statement of Prior Invention Under 37 C.F.R. § 1.131.

Return Receipt Postcard

**Fee calculation:**

No additional fee is required.

Small Entity.

An extension fee in an amount of \$\_\_\_\_ for a \_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).

A petition or processing fee in an amount of \$\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).

An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity	
					Rate	Add'l Fee	or	Rate
Total		Minus			x \$25a			x \$50=
Indep.		Minus			x 100=			x \$200=
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=
					Total	\$	Total	\$

**Fee payment:**

A check in the amount of \$\_\_\_\_ is enclosed.

Please charge Deposit Account No. 23-1925 in the amount of \$120. A copy of this Transmittal is enclosed for this purpose.

Payment by credit card in the amount of \$\_\_\_\_ (Form PTO-2038 is attached).

The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.18 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

*David W. Okey*  
David W. Okey (Reg. No. 42,959)

Date

*30 Jun 2005*